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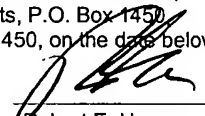
# FULBRIGHT & JAWORSKI L.L.P.

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August 20, 2004

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MS AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:	
August 20, 2004	
Date	Robert E. Hanson

## MS AMENDMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

RE: *U.S. Patent Application No. 10/820,220 entitled "PLANTS AND SEEDS OF CORN VARIETY I000091" – Jeff McElroy*  
*Our reference: DEKA:344US*  
*Client reference: 34-63(52069)*

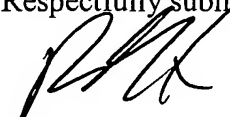
Sir:

Enclosed for filing in the above-referenced patent application is an Information Disclosure Statement, Form PTO-1449, and references A1-A7 and C1-C12.

No fees are believed to be due in connection with the filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to the enclosed materials, the Commissioner is authorized to deduct the appropriate fees from Fulbright & Jaworski Deposit Account No.: 50-1212/DEKA:344US.

Please date stamp and return the enclosed postcard evidencing receipt of these materials.

Respectfully submitted,

  
Robert E. Hanson  
Reg. No. 42,628

REH/mar  
Encl.: as noted

Commissioner for Patents

August 20, 2004

Page 2

bcc: Mr. Tim Kain (w/encl.)  
Ms. Nancy M. Huelskamp (w/encl.)  
Jeff McElroy (w/encl.)  
David L. Parker, Esq. (w/o encl.)



**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jeff McElroy

Serial No.: 10/820,220

Filed: April 6, 2004

For: PLANTS AND SEEDS OF CORN

VARIETY I000091

Group Art Unit: 1638

Examiner: Unknown

Atty. Dkt. No.: DEKA:344US

**CERTIFICATE OF MAILING**  
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August 20, 2004

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Robert E. Hanson

**INFORMATION DISCLOSURE STATEMENT**

**MS AMENDMENT**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

In accordance with 37 C.F.R. §§ 1.97(g), (h), this Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

The present Information Disclosure Statement is being filed prior to the receipt of a first Official Action reflecting an examination on the merits, and hence is believed to be timely filed in accordance with 37 C.F.R § 1.97(b). No fees are believed to be due in connection with the filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Commissioner is authorized to deduct the appropriate fees from Fulbright & Jaworski Deposit Account No.: 50-1212/DEKA:344US.

Applicant respectfully requests that the listed documents be made of record in the present case.

Respectfully submitted,



Robert E. Hanson  
Reg. No. 42,628  
Attorney for Applicant

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Date: August 20, 2004

Form PTO-1449 (modified)

Atty. Docket No.

DEKA:344US

Serial No.

10/820,220

List of Patents and Publications for Applicant's

Applicant

Jeff McElroy

INFORMATION DISCLOSURE STATEMENT

Filing Date:

April 6, 2004

Group:

1638

(Use several sheets if necessary)

U.S. Patent Documents

See Page 1

Foreign Patent Documents

See Page 1

Other Art

See Page 1

## U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date of App.
	A1	4,517,763	06-21-85	Berversdorf <i>et al.</i>	47	58	05-11-83
	A2	4,658,084	04-14-87	Berversdorf <i>et al.</i>	800	1	11-14-85
	A3	4,658,085	04-14-87	Berversdorf <i>et al.</i>	800	1	04-14-87
	A4	4,677,246	06-30-87	Armond <i>et al.</i>	800	1	04-26-85
	A5	4,731,499	04-15-88	Puskaric <i>et al.</i>	800	1	01-29-87
	A6	5,276,263	01-04-94	Foley	800	200	12-06-91
	A7	5,491,294	02-13-96	Miller	800	200	11-21-94

## Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Country	Class	Sub Class	Translation Yes/No

## Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C1	Armstrong & Green, "Establishment and Maintenance of Friable Embryogenic Maize Callus and the Involvement of L-Proline," <i>Planta</i> , 164:207-214, 1985.
	C2	Duvick, "Genetic Contributions to Yield Gains of U.S. Hybrid Maize, 1930 to 1980," <i>Genetic Contributions to Yield Gains of Five Major Crop Plants: Proceedings of a Symposium sponsored by Div. C-1, Crop Science Society of America, December 2, 1981 in Atlanta, Georgia; W.R. Fehr, Crop Science Society of America and American Society of Agronomy, Madison, Wisconsin, pp. 15-47.</i>
	C3	Fehr (ed.), <i>Principles of Cultivar Development, Vol. 1: Theory and Technique</i> , pp. 360-376, 1987.
	C4	Hallauer <i>et al.</i> , "Corn Breeding," <i>Corn and Corn Improvement</i> , eds., Sprague <i>et al.</i> , Madison, Wisconsin, Ch. 8, pp. 463-564, 1988.

25419054.1

EXAMINER:

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EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.

Form PTO-1449 (modified)		Atty. Docket No. DEKA:344US	Serial No. 10/820,220
List of Patents and Publications for Applicant's  INFORMATION DISCLOSURE STATEMENT  (Use several sheets if necessary)		Applicant Jeff McElroy	
		Filing Date: April 6, 2004	Group: 1638
U.S. Patent Documents <i>See Page 1</i>	Foreign Patent Documents <i>See Page 1</i>	Other Art <i>See Page 1</i>	

### Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C5	Larson & Hanway, "Corn Production," <i>Corn and Corn Improvement</i> , ed. G.F. Sprague, No. 18 in Agronomy Series, American Society of Agronomy, Inc., Madison, Wisconsin, pp. 625-669, 1977.
	C6	Meghji <i>et al.</i> , "Inbreeding depression, inbred and hybrid grain yields, and other traits of maize genotypes representing three eras," <i>Crop Science</i> , 24:545-549, 1984.
	C7	Poehlman & Sleper (eds), <i>Breeding Field Crops</i> , 4th Ed., pp. 172-175, 1995.
	C8	Poehlman, <i>Breeding Field Crops</i> , 3rd ed., AVI Publishing Company, Westport, Connecticut, pp. 469-481, 1987.
	C9	Rieger <i>et al.</i> , <i>Glossary of Genetics and Cytogenetics, Classical and Molecular</i> , Springer-Verlag, Berlin, p. 116, 1976.
	C10	Sprague & Eberhart, "Corn Breeding," <i>Corn and Corn Improvements</i> , ed. G.F. Sprague, No. 18 in Agronomy Series, American Society of Agronomy, Inc., Madison, Wisconsin, pp. 305-323, 1977.
	C11	Troyer, "A retrospective view of corn genetic resources," <i>Journal of Heredity</i> , 81:17-24, 1990.
	C12	Wych, "Production of hybrid seed corn," <i>Corn and Corn Improvement, eds.</i> , Sprague <i>et al.</i> , editors, Madison, Wisconsin, Ch. 9, pp. 565-607, 1988.

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